

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

(Alexandria Division)

UNITED STATES OF AMERICA		
V.		Cr. No. 1:08-CR-00043
CHRISTOPHER RONDELL ROGERS		
Defendant		

SENTENCING MEMORANDUM

Comes now, the Defendant and objects to the following in the Presentencing report:

Mr. Rogers' maintains all of his previously filed objections to the pre-sentencing report.

This court has previously found Mr. Rogers' Sentencing Guideline to be between ninety seven and one twenty one months.

ADDITIONAL FACTORS IN CONSIDERATION OF SENTENCE

Since Mr. Rogers has begun to serve his sentence at FCI Allenwood in White Deer Pennsylvania, Mr. Rogers has utilized his time productively; he has:

1. Completed his General Equivalency Degree (GED)
2. Completed a Parenting Program
3. Completed a occupational education program in Carpentry Skills.

He is currently employed in Carpentry working on various wood products for sale.

ARGUMENT IN LIGHT OF THE FOURTH CIRCUIT RULING

In light of the United States Court of Appeals for the Fourth Circuit's unpublished Opinion (No. 08-5052) on this sentencing, it is clear that Mr. Rogers' sentence needs to be

modified and reduced.

- A. This Court has previously accepted the PSR finding of a lessor Role for Mr. Rogers

First and most importantly, this sentencing court rejected the government's objection of a lessor role in the offense found in the Presentencing Report and specifically found Mr. Rogers to be less culpable than the other two Defendants. The Court is bound by this finding and has previously failed to explain or justify why it gave the same twenty years sentence as the other two defendants. The only fair sentence that this court can give the defendant is one that incorporates its previous finding of lessor culpability and reduce Mr. Rogers' sentence to a guideline sentence in the previously determined 97 to 121 month range.

- B. The Defendant's are not similarly situated.

The second factor as determined by the Fourth Circuit, Mr. Rogers' participation and culpability are very different from Tyler and Monroe. The Fourth Circuit determined that Mr. Roger's stayed in the automobile for the three October 28th robberies and did not participate in the October 30th robbery in Maryland. The Fourth Circuit also determined that Tyler and Monroe were responsible for the injuries sustained by the victims, the store clerks, not Mr. Roger's who stayed in the vehicle with Ms. Childs. Both facts are factors that this court stated in the first sentencing of Mr. Rogers, but are factors that do not apply to his circumstances.

CONCLUSION

A sentence at the low end of the sentencing guidelines of Ninety Seven months meets the

18 U.S.C. § 3553 requirements specifically, the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant.

Respectfully Submitted
Christopher Rogers
BY COUNSEL

/s/

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CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of December, 2010, a true and accurate copy of the foregoing was electronically filed and served via the Court's CM/ECF system to:

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